

**U.S. District Court
Western District of North Carolina (Charlotte)
CIVIL DOCKET FOR CASE #: 3:17-cv-00010-MOC-DSC**

Stevens v. AtriCure, Inc. et al
Assigned to: District Judge Max O. Cogburn, Jr
Referred to: Magistrate Judge David S. Cayer
Cause: 31:3730 Qui Tam False Claims Act

Date Filed: 01/10/2017
Jury Demand: Plaintiff
Nature of Suit: 376 Qui Tam (31 U.S.C. § 3729(a))
Jurisdiction: Federal Question

Plaintiff

Joel Stevens
also known as
John Doe

represented by **Charles H. Rabon , Jr.**
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Defendant**Adventist Health**

represented by **Daniel DeCederfelt Adams**
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Date Filed	#	Docket Text
01/10/2017	<u>1</u>	COMPLAINT against Adventist Health, Atricare, Inc., St. Helena Hospital (Filing fee \$ 400 receipt number CHD040053), filed by John Doe.(jlk) Modified filed date on 1/11/2017 (rth). (Entered: 01/11/2017)
10/04/2019	<u>18</u>	NOTICE of Change of Address by Charles H. Rabon, Jr (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(brj) (Entered: 10/04/2019)
06/04/2020	<u>24</u>	AMENDED COMPLAINT with Jury Demand against Adventist Health, AtriCure, Inc., St. Helena Hospital, filed by John Doe.(clc) (Entered: 06/04/2020)
12/30/2020	<u>28</u>	SECOND AMENDED COMPLAINT with Jury Demand against Adventist Health, AtriCure, Inc., St. Helena Hospital, filed by John Doe.(mga) (Entered: 12/30/2020)
03/15/2021	<u>29</u>	NOTICE of Election to Decline Intervention and Motion to Unseal Complaint by United States of America (Attachments: # <u>1</u> Proposed Order)(Armstrong, Katherine) Modified on 3/17/2021 (clc). (Entered: 03/15/2021)
03/17/2021	<u>30</u>	ORDER granting <u>29</u> Motion to Unseal Case. The Complaint (Doc. No. 1) the Amended Complaint (Doc. No. 24), the Second Amended Complaint (Doc. No. 28), the Governments Notice of Election to Decline Intervention and Motion to Unseal Complaint (Doc. No. 29), and this Order be unsealed;2. All other current papers on file with the Court in this action remain under seal and will not be made public or served upon the Defendants. In accordance with the terms of the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice. Signed by District Judge Frank D. Whitney on 3/17/21. (clc) (Entered: 03/17/2021)
05/14/2021	<u>31</u>	

		Summons Issued Electronically as to Adventist Health, AtriCure, Inc., St. Helena Hospital. NOTICE: Counsel shall print the summons and serve with other case opening documents in accordance with Fed.R.Civ.P.4 . (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(eef) (Entered: 05/14/2021)
06/11/2021	<u>32</u>	WAIVER OF SERVICE Returned Executed by John Doe. AtriCure, Inc. waiver sent on 6/10/2021, answer due 8/9/2021. (Rabon, Charles) (Entered: 06/11/2021)
06/11/2021	<u>33</u>	WAIVER OF SERVICE Returned Executed by John Doe. Adventist Health waiver sent on 6/10/2021, answer due 8/9/2021. (Rabon, Charles) (Entered: 06/11/2021)
06/11/2021	<u>34</u>	WAIVER OF SERVICE Returned Executed by John Doe. St. Helena Hospital waiver sent on 6/10/2021, answer due 8/9/2021. (Rabon, Charles) (Entered: 06/11/2021)
06/15/2021	<u>35</u>	NOTICE of Appearance by James Avery Roberts, III on behalf of John Doe (Roberts, James) (Entered: 06/15/2021)
06/15/2021	<u>36</u>	NOTICE of Appearance by Matthew D. Quinn on behalf of John Doe (Quinn, Matthew) (Entered: 06/15/2021)
06/28/2021	<u>37</u>	NOTICE of Appearance by Brian S. Cromwell on behalf of AtriCure, Inc. (Cromwell, Brian) (Entered: 06/28/2021)
06/28/2021	<u>38</u>	NOTICE of Appearance by Eric Altman Frick on behalf of AtriCure, Inc. (Frick, Eric) (Entered: 06/28/2021)
06/29/2021	<u>I</u>	Case reassigned to District Judge Max O. Cogburn, Jr. Chief Judge Frank D. Whitney no longer assigned to the case due to conflict. <i>This is your only notice – you will not receive a separate document.</i> (thh) (Entered: 06/29/2021)
07/01/2021	<u>39</u>	Notice of Substitution of Counsel by James B. Gatehouse on behalf of United States of America, Attorney Katherine Tenfelde Armstrong terminated. (Gatehouse, James) (Entered: 07/01/2021)
07/07/2021	<u>40</u>	NOTICE of Appearance by Daniel DeCederfelt Adams on behalf of Adventist Health, St. Helena Hospital (Adams, Daniel) (Entered: 07/07/2021)
07/07/2021	<u>41</u>	Corporate Disclosure Statement by Adventist Health (Adams, Daniel) (Entered: 07/07/2021)
07/07/2021	<u>42</u>	Corporate Disclosure Statement by St. Helena Hospital (Adams, Daniel) (Entered: 07/07/2021)
07/12/2021	<u>43</u>	MOTION for Leave to Appear Pro Hac Vice as to Ralph J. Caccia Filing fee \$ 288, receipt number 0419–5113783. by AtriCure, Inc.. (Cromwell, Brian). Motions referred to David S. Cayer. (Entered: 07/12/2021)
07/12/2021	<u>44</u>	MOTION for Leave to Appear Pro Hac Vice as to Brandon J. Moss Filing fee \$ 288, receipt number 0419–5113788. by AtriCure, Inc.. (Cromwell, Brian). Motions referred to David S. Cayer. (Entered: 07/12/2021)
07/13/2021	<u>45</u>	ORDER granting <u>43</u> Motion for Leave to Appear Pro Hac Vice added Ralph J. Caccia for AtriCure, Inc. and granting <u>44</u> Motion for Leave to Appear Pro Hac Vice added Brandon J. Moss for AtriCure, Inc. (Pro Hac Vice Attorneys served via NEF). Signed by Magistrate Judge David S. Cayer on 7/13/2021. (mek) (Entered: 07/13/2021)
07/13/2021	<u>I</u>	Notice to Ralph J. Caccia: Pursuant to Local Rule 83.1 you are required to Register for ECF Account <u>Application Link</u> . (Attorney served via NEF) Deadline by 7/20/2021. (mek) (Entered: 07/13/2021)
07/13/2021	<u>I</u>	Notice to Brandon J. Moss: Pursuant to Local Rule 83.1 you are required to Register for ECF Account <u>Application Link</u> . (Attorney served via NEF) Deadline by 7/20/2021. (mek) (Entered: 07/13/2021)

		07/13/2021)
07/13/2021	<u>46</u>	MOTION for Leave to Appear Pro Hac Vice as to Ross Brooks Filing fee \$ 288, receipt number 0419-5115772. by John Doe. (Rabon, Charles). Motions referred to David S. Cayer. (Entered: 07/13/2021)
07/13/2021	<u>47</u>	MOTION for Leave to Appear Pro Hac Vice as to Sally Blinken Filing fee \$ 288, receipt number 0419-5115780. by John Doe. (Rabon, Charles). Motions referred to David S. Cayer. (Entered: 07/13/2021)
07/14/2021	<u>48</u>	ORDER granting <u>46</u> Motion for Leave to Appear Pro Hac Vice added Ross Brooks for John Doe; granting <u>47</u> Motion for Leave to Appear Pro Hac Vice added Sally Blinken for John Doe (Pro Hac Vice Attorneys served via NEF). Signed by Magistrate Judge David S. Cayer on 7/14/2021. (mek) (Entered: 07/14/2021)
07/14/2021	<u>I</u>	Notice to Ross Brooks: Pursuant to Local Rule 83.1 you are required to Register for ECF Account <u>Application Link</u> . (Attorney served via NEF) Deadline by 7/21/2021. (mek) (Entered: 07/14/2021)
07/14/2021	<u>I</u>	Notice to Sally Blinken: Pursuant to Local Rule 83.1 you are required to Register for ECF Account <u>Application Link</u> . (Attorney served via NEF) Deadline by 7/21/2021. (mek) (Entered: 07/14/2021)
08/06/2021	<u>49</u>	NOTICE of Change in Case Caption Under Rule 17 by John Doe (Quinn, Matthew) (Entered: 08/06/2021)
08/06/2021	<u>50</u>	NOTICE of Consent to the Filing of Third Amended Complaint and Joint Motion for Extension of Time to Respond Thereto by John Doe (Attachments: # <u>1</u> Proposed Order)(Quinn, Matthew) Modified to change event to a Motion on 8/9/2021 (ams). (Entered: 08/06/2021)
08/06/2021	<u>51</u>	AMENDED COMPLAINT (Third) with Jury Demand against All Defendants, filed by John Doe.(Quinn, Matthew) (Entered: 08/06/2021)
08/09/2021	<u>52</u>	ORDER granting <u>50</u> Motion for Extension of Time to Answer Defendants shall have through and including October 5, 2021, in which to answer or otherwise plead. Signed by District Judge Max O. Cogburn, Jr on 8/9/2021. (ams) (Entered: 08/09/2021)
09/03/2021	<u>53</u>	MOTION to Change Venue by AtriCure, Inc.. Responses due by 9/17/2021 (Cromwell, Brian). Motions referred to David S. Cayer. (Entered: 09/03/2021)
09/03/2021	<u>54</u>	MEMORANDUM in Support re <u>53</u> MOTION to Change Venue by AtriCure, Inc.. (Attachments: # <u>1</u> Exhibit A – Decl. of Carrel)(Cromwell, Brian) (Entered: 09/03/2021)
09/03/2021	<u>55</u>	MOTION to Stay by AtriCure, Inc.. Responses due by 9/17/2021 (Cromwell, Brian). Motions referred to David S. Cayer. (Entered: 09/03/2021)
09/03/2021	<u>56</u>	MEMORANDUM in Support re <u>55</u> MOTION to Stay by AtriCure, Inc.. (Cromwell, Brian) (Entered: 09/03/2021)
09/10/2021	<u>57</u>	RESPONSE to Motion re <u>55</u> MOTION to Stay by Joel Stevens. Replies due by 9/17/2021 (Rabon, Charles) (Entered: 09/10/2021)
09/10/2021	<u>58</u>	Consent MOTION for Extension of Time to File Response/Reply re: <u>53</u> MOTION to Change Venue by Joel Stevens. Responses due by 9/24/2021 (Attachments: # <u>1</u> Proposed Order) (Rabon, Charles). Motions referred to David S. Cayer. (Entered: 09/10/2021)
09/10/2021	<u>I</u>	TEXT-ONLY ORDER granting <u>58</u> Consent MOTION for Extension of Time to File Response/Reply re: <u>53</u> MOTION to Change Venue. Responses due by 10/1/2021. So Ordered. Entered by Magistrate Judge David S. Cayer on 9/10/2021. (DLG) (Entered: 09/10/2021)
09/15/2021	<u>59</u>	

		REPLY to Response to Motion re <u>55</u> MOTION to Stay by AtriCure, Inc.. (Cromwell, Brian) (Entered: 09/15/2021)
09/16/2021	<u>I</u>	TEXT-ONLY ORDER granting <u>55</u> Motion to Stay Deadline to Answer Third Amended Complaint. Following the Court's ruling on Defendant's Motion to Transfer Venue, Defendant shall answer Third Amended Complaint. If transfer is granted, Answer shall be due thirty days from transfer. If transfer is denied, Defendant shall answer within thirty two days from the Order (the remaining portion of Defendant's initial sixty days to respond). So Ordered. Entered by Magistrate Judge David S. Cayer on 9/16/2021. (DLG) (Entered: 09/16/2021)
10/01/2021	<u>I</u> <u>60</u>	MEMORANDUM in Opposition re <u>53</u> MOTION to Change Venue by Joel Stevens. Replies due by 10/8/2021 (Attachments: # <u>1</u> Exhibit 1 – Declaration of Relator Joel Stevens, # <u>2</u> Exhibit 2 – Declaration of Matthew Quinn)(Rabon, Charles) (Entered: 10/01/2021)
10/01/2021	<u>I</u> <u>61</u>	Consent MOTION to Seal Document <u>60</u> Memorandum in Opposition to Motion, <i>Exhibit F to Relator's Declaration</i> by Joel Stevens. Responses due by 10/15/2021 (Rabon, Charles). Motions referred to David S. Cayer. (Entered: 10/01/2021)
10/01/2021	<u>I</u> <u>62</u>	MEMORANDUM in Support re <u>61</u> Consent MOTION to Seal Document <u>60</u> Memorandum in Opposition to Motion, <i>Exhibit F to Relator's Declaration</i> by Joel Stevens. (Rabon, Charles) (Entered: 10/01/2021)
10/01/2021	<u>I</u> <u>63</u>	Sealed Document (<i>Sealed – Attorney</i>): Exhibit F to Relator's Declaration re: <u>61</u> Consent MOTION to Seal Document <u>60</u> Memorandum in Opposition to Motion, <i>Exhibit F to Relator's Declaration</i> , <u>60</u> Memorandum in Opposition to Motion, by Stevens, Joel; (available to Adventist Health, AtriCure, Inc., St. Helena Hospital, Joel Stevens, United States of America) (Rabon, Charles) (Entered: 10/01/2021)
10/02/2021	<u>I</u>	TEXT-ONLY ORDER granting <u>61</u> Consent MOTION to Seal Document <u>60</u> Memorandum in Opposition to Motion, Exhibit F to Relator's Declaration. So Ordered. Entered by Magistrate Judge David S. Cayer on 10/2/2021. (DLG) (Entered: 10/02/2021)
10/08/2021	<u>I</u> <u>64</u>	REPLY to Response to Motion re <u>53</u> MOTION to Change Venue by AtriCure, Inc.. (Cromwell, Brian) (Entered: 10/08/2021)
10/12/2021	<u>I</u> <u>65</u>	MEMORANDUM AND ORDER granting <u>53</u> Motion to Change Venue; the Clerk is directed to hold the file in this case until fourteen days after service of this Memorandum and Order when the parties' right of appeal to the Honorable Max O. Cogburn, Jr. expires; if no party appeals this Order, then the Clerk is directed to transfer this case to the United States District Court for the Southern District of Ohio. Signed by Magistrate Judge David S. Cayer on 10/12/2021. (mek) (Entered: 10/13/2021)
10/27/2021	<u>I</u>	Case closed in error and reinstated to active status. (Entered: 10/27/2021)
10/27/2021	<u>I</u> <u>66</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Joel Stevens re <u>65</u> Order on Motion to Change Venue,, (Rabon, Charles) (Entered: 10/27/2021)
10/27/2021	<u>I</u> <u>67</u>	DECLARATION of Ross B. Brooks re <u>66</u> Appeal of Magistrate Judge Decision to District Court filed by Joel Stevens (Rabon, Charles) (Entered: 10/27/2021)
10/29/2021	<u>I</u>	Set/Reset Deadlines: Responses to <u>66</u> Appeal due by 11/10/2021. (ams) (Entered: 10/29/2021)
11/10/2021	<u>I</u> <u>68</u>	MEMORANDUM/BRIEF <i>In Opposition</i> by AtriCure, Inc. re: <u>66</u> Appeal of Magistrate Judge Decision to District Court (Cromwell, Brian) (Entered: 11/10/2021)
12/07/2021	<u>I</u> <u>69</u>	Order Affirming Decision of the Magistrate Judge re: <u>66</u> Appeal of Magistrate Judge Decision to District Court. The Clerk shall transfer this action to the United States District Court for

the Southern District of Ohio. Signed by District Judge Max O. Cogburn, Jr on 12/7/2021.
(ams) (Entered: 12/07/2021)

12/07/2021

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Case electronically transferred to Southern District of Ohio. Original electronic file and docket sheet sent. (ams) (Entered: 12/07/2021)